

Article - Criminal Law

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§3-901.

- (a) (1) In this section the following words have the meanings indicated.
 - (2) “Private place” means a dressing room or rest room in a retail store.
 - (3) “Visual surveillance” means surveillance by:
 - (i) direct sight;
 - (ii) the use of mirrors;
 - (iii) the use of cameras; or
 - (iv) the use of an electronic device that can be used surreptitiously to observe an individual.
- (b) This section does not apply to any otherwise lawful surveillance conducted by a law enforcement officer while performing official duties.
- (c) A person may not conduct or procure another to conduct visual surveillance of an individual in a private place without the consent of that individual.
- (d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,000 or both.
- (e) It is not a defense to a prosecution under this section that the defendant owns the premises where the private place is located.
- (f) (1) An individual who was under visual surveillance in violation of this section has a civil cause of action against any person who conducted or procured a person to conduct the visual surveillance.
 - (2) In an action under this subsection, the court may award actual damages and reasonable attorney’s fees.

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